

The Honorable John H. Chun

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON, et al.,

Plaintiffs,

v.

DONALD J. TRUMP, in his official
capacity as President of the United States of
America, et al.,

Defendants.

NO. 2:25-cv-00602-JHC

DECLARATION OF
LINDA FARMER

I, LINDA FARMER, declare as follows:

1. I am over the age of 18, competent to testify as to the matters herein, and make this declaration based on my personal knowledge.

2. I am the Pierce County Auditor. In this position, I am responsible for overseeing Pierce County Elections, a division of my office that administers elections in Pierce County, Washington. Pierce County is the second most populous county in Washington State and has approximately 600,000 registered voters.

3. For primary and general elections for federal office, Pierce County Elections employs both permanent and seasonal staff. For the 2024 primary and general election, my

1 elections office employed 13 permanent staff members and approximately 250 part-time staff
2 members.

3 4. For primary and general elections for federal office, Pierce County Elections
4 operates an election center in Tacoma, Washington. At the election center, eligible persons can
5 register to vote, update voter information, receive a replacement or reissued ballot, use a ballot
6 marking device, or receive other election-related assistance.

7 5. The election center is open from 8:30am to 4:30pm each day leading up to
8 election day and from 8:30am to 8:00pm on election day. Staff at the election center assist all
9 voters who are in line by 8:00pm on election day.

10 6. Pierce County Elections is responsible for processing voter registrations and
11 updates for residents of Pierce County. We receive voter registrations in various forms from
12 various sources. We receive paper voter registration forms filled out by voters, and these can be
13 received from individual voters or organizations conducting voter registration drives, such as
14 non-profit organizations, political parties, or political campaigns. We also receive electronic
15 voter registrations filled out by Pierce County residents through the Secretary of State's online
16 voter registration tool. We also receive paper and electronic voter registrations from the
17 Washington State Department of Licensing and state voter registration agencies, such as the
18 Department of Social and Health Services.

19 7. When processing voter registrations, we ensure that the form includes all
20 information necessary to register to vote. If the applicant has not attested that they are a United
21 States citizen and signed the form under penalty of perjury, the person is not registered to vote.
22 We also verify the applicant's identity. This is usually done using the applicant's driver's license
23 number, Department of Licensing identification card number, or the last four digits of the
24 applicant's social security number.

25 8. During the 2024 calendar year, Pierce County Elections processed 571
26 transactions, including new voter registrations and voter registration updates, involving the

1 Federal Form. In addition, Pierce County Elections processed 659 transactions, including new
2 voter registrations and voter registration updates, received from state voter registration agencies
3 (i.e., the Department of Social and Health Services, the Health Care Authority, the Health
4 Benefits Exchange, and the Department of Services for the Blind).

5 9. Pierce County operates 51 ballot drop boxes around the county.

6 10. Pierce County Elections is always improving its election process to make voting
7 more accessible and secure. Currently, we are requesting additional funds in the next budget
8 cycle to hire more staff.

9 11. I have read Executive Order No. 14248 and am familiar with its contents.

10 12. I understand that the executive order requires the Election Administration
11 Commission (EAC) to change the Federal Form to require documentary proof of United States
12 citizenship.

13 13. I understand that the executive order also requires the EAC to change the Federal
14 Form to require that state and local election officials record on the form information about the
15 documentary proof of citizenship. It is unclear from the executive order if this requirement will
16 also be imposed on state voter registration forms. Voters can use either a federal form or a state
17 form to register to vote. Once registered, which form a voter originally used to become registered
18 becomes irrelevant. Registered voters are eligible to vote in federal, state and local elections.
19 Washington does not maintain two lists of registered voters: one list for federal elections and a
20 separate list for state and local elections. The lack of clarity in the executive order on whether
21 the requirement to record proof of citizenship will apply to state voter registration forms will
22 cause confusion for both voters and election administrators.

23 14. I understand that the executive order limits “documentary proof of citizenship”
24 to U.S. passports, REAL ID Act-compliant identification documents that indicate U.S.
25 citizenship, military identification cards that indicate U.S. citizenship, and valid federal or state
26

1 government-issued photo identification that either indicates U.S. citizenship or is accompanied
2 by proof of U.S. citizenship.

3 15. Recording the information identified in Section 2(a)(i)(B) will be a time-
4 consuming process involving considerable expense. This information must be recorded “on the
5 form.” It is unclear if the information will also then have to be entered into the statewide voter
6 registration database. The lack of clarity in the executive order on whether the proof of
7 citizenship must also be recorded in Washington’s statewide voter registration database will
8 cause confusion for election administrators. Pierce County Elections will have to design quality
9 control systems to ensure that this information is recorded accurately.

10 16. In addition, Pierce County Elections will have to train all staff who process voter
11 registration forms to understand what documents constitute “documentary proof of citizenship”
12 and how to determine whether the document or copies of the document are authentic. The
13 executive order is unclear on whether copies of documents are adequate, or if only originals or
14 certified copies are acceptable. Pierce County Elections will also have to develop procedures to
15 review transactions and ensure that staff are correctly recording the information. Processing
16 citizenship documentation will take time away from the year-round work Pierce County
17 Elections must perform to maintain accurate voter registration databases. The department is
18 already understaffed in this area due to changes in state law in 2018 implementing same-day
19 registration. The volume of work has increased and the number of registered voters has
20 increased, but the County’s staffing levels have not kept pace.

21 17. If voters using the Federal Form are required to present documentary proof of
22 citizenship in person, this will substantially increase the burden on voters and Pierce County
23 Elections. As a practical matter, this will require registering in person, which is a logistical
24 challenge for voters who work, voters who go to school, voters who don’t drive or don’t own
25 their own car, and voters who have significant work and family time commitments.
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1 18. If the documentary proof of citizenship requirement is interpreted to extend
2 to the Washington State voter registration form, this will massively increase the cost of
3 implementation. This could potentially be impossible for Pierce County Elections to implement
4 within existing funding.

5 19. It is unclear if the proof of citizenship requirement will be imposed on voters who
6 are currently registered. If the documentary proof of citizenship requirement is interpreted to
7 require that each currently registered voter show documentary proof of citizenship in order to
8 remain registered to vote, the burden on Pierce County Elections would be insurmountable.
9 There are approximately 600,000 registered voters in Pierce County. That would require that our
10 office process documentary proof of citizenship for approximately 1,900 current voters each
11 work day between now and the 2026 primary election. This is simply not possible. And the
12 reality is that the vast majority of the 600,000 voters would wait until close in time to election
13 day, requiring the processing of tens of thousands—or even hundreds of thousands—of voter
14 registration updates in a day. This, too, is impossible.

15 20. In Washington, if a voter returns a Federal Form or a state voter registration form
16 and attests to being a United States citizen, federal and state law require that Pierce County
17 Elections register that person to vote. If, however, Pierce County Elections were required to
18 reject the Federal Form or state voter registration form, we would need to send a mailing to the
19 applicant explaining why we rejected the voter registration application. and explain the
20 additional information the applicant must provide. This would require both staff time and
21 postage, significantly increasing the cost of complying with the executive order.

22 21. The executive order's requirement of documentary proof of citizenship is already
23 causing confusion for Pierce County voters. The office received calls from voters confused about
24 the new executive order and asking for information on its implementation. This confusion
25 requires that Pierce County Elections staff spend time explaining voting requirements to
26 registered voters. This is time that staff would otherwise spend on other important projects, like

1 helping to register new voters. Based on past experience, I know that communications from
2 confused voters will increase as we get closer to election day. Our office regularly receives a
3 large number of communications from voters on election day itself. Election day is already very
4 busy for Pierce County Elections. Having to assist large numbers of voters who are confused
5 about whether they must show documentary proof of citizenship would be exceptionally
6 disruptive to the election process for both voters and election administrators.

7 22. I am also concerned about the many confused voters who have not contacted my
8 office. The executive order fails to explain whether a U.S. citizen will be allowed to vote and
9 have their vote counted if the citizen fails to provide proper documentation with their voter
10 registration application. Understandably, voters become extremely upset and frustrated when
11 they learn that their votes will not be counted.

12 23. The executive order fails to address how the public will learn about these new
13 requirements. Unless there is a court order preventing the documentary proof of citizenship
14 requirement from taking effect, Pierce County Elections will have to prepare and distribute
15 materials to the public explaining how the documentary proof of citizenship requirement works,
16 and will be required to pay for this public education campaign. Because the executive order does
17 not provide any funding for implementation, this money would have to come from existing funds
18 that would otherwise be put toward election security and voter registration efforts, among other
19 things. It's entirely possible there would not be sufficient funding to mount even the smallest of
20 information campaigns.

21 24. I understand that the executive order interprets federal law to require that ballots
22 be received by election day, except for ballots from UOCAVA voters. The executive order is
23 unclear on whether this ballot deadline applies only to the general election or also applies to the
24 federal primary election. The lack of clarity in the executive order on whether a change in the
25 due date for voted ballots to be received will cause confusion for both voters and election
26 administrators.

1 25. I further understand that the executive order directs the United States Attorney
2 General to take “all necessary action” against States that violate this interpretation of federal law
3 and that the executive order directs the EAC to condition all available funding to States on
4 compliance with this interpretation.

5 26. Pierce County Elections routinely receives ballots after election day that are
6 postmarked on or before election day.

7 27. In general elections, 466,968 ballots were accepted in 2020, with 9,030 (1.9%)
8 accepted by mail after election day. In 2021, 179,045 ballots were accepted, with 9,843 (5.5%)
9 arriving after election day. In 2022, 333,980 ballots were accepted, with 11,888 (3.6%) accepted
10 after election day. In 2023, 168,282 ballots were accepted, with 12,588 (7.5%) accepted after
11 election day.

12 28. In presidential primaries, 234,040 ballots were accepted in 2020, with 13,207
13 (5.6%) accepted after election day. In 2024, 174,745 ballots were accepted, with 6,772 (3.9%)
14 arriving after election day.

15 29. In regular primary elections, 274,634 ballots were accepted in 2020, with 19,850
16 (7.2%) accepted after election day. In 2021, 126,372 ballots were accepted, with 7,345 (5.8%)
17 accepted after election day. In 2022, 199,771 ballots were accepted, with 15,431 (7.7%) accepted
18 after election day. In 2023, 102,391 ballots were accepted, with 5,741 (5.6%) accepted after
19 election day. In 2024, 213,139 ballots were accepted, with 14,147 (6.6%) accepted by mail after
20 election day.

21 30. Pierce County Elections recommends that voters postmark or drop off their ballot
22 by 8 p.m. election day.

23 31. An election day ballot receipt deadline is not necessary for Pierce County
24 Elections to administer the elections process. No matter what the ballot receipt deadline is, vote
25 totals will not be final on election day. Under Washington law, certification of elections by the
26 Pierce County Canvassing Board does not happen until two to three weeks after the primary or

1 general election. During this time, voters who inadvertently forgot to sign their ballot return
2 envelopes or whose signatures did not match the signatures on file have the opportunity to cure
3 their signatures and have their ballots counted.

4 32. An election day ballot deadline would make it more difficult for Pierce County
5 voters to vote on election day if they use the postal system to return their voted ballot.

6 33. Based on my experience, an election day ballot receipt deadline is an unwarranted
7 policy. It does not make elections more secure. Regardless of when the ballot is received, the
8 postmark ensures that it was cast by election day. Election results will not be final until
9 certification, regardless of the ballot receipt deadline. An election day receipt deadline could
10 disenfranchise voters based on USPS delays beyond the voter's control and, as a result, make
11 the election results less reliable, as they less accurately reflect the preferences of the electorate.

12 34. The prospect of criminal prosecutions of election officials who follow state law
13 and accept timely-cast ballots received after election day is deeply chilling. The potential for
14 criminal prosecution will make it more difficult to hire the election workers that are needed to
15 make our elections accessible and accurate.

16 35. Pierce County Elections has indirectly received funding from the Election
17 Assistance Commission and expects to receive more funding in the future. This funding is
18 distributed through the Washington Office of the Secretary of State, and Pierce County has used
19 it for purposes such as buying a mail sorter and upgrading our ballot tabulation equipment. The
20 loss of this money would interfere with Pierce County Elections' ability to make improvements
21 to the security and accessibility of elections.

22 36. Trust is declining in the security and veracity of elections, election workers and
23 election officials. This executive order will not increase the public's trust in elections, but will
24 exacerbate the current challenges. Pierce County will need to spend more money and time on
25 education efforts with stakeholders and voters. This work takes away from the critical year-round
26 work of maintaining voter registration databases, and the election-specific work of creating,

1 sending, collecting and tabulating ballots. Washington's elections are a national model, and I am
2 fiercely proud of the work we do on behalf of our voters. My office will work to ensure that
3 every eligible voter can continue to exercise their right to vote.

4 I declare under penalty of perjury under the laws of the State of Washington and the
5 United States of America that the foregoing is true and correct.

6 DATED this 13th day of May 2025.

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11 LINDA FARMER
12 Pierce County Auditor
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